

**REMARKS**

Claims 1-27 are pending in the application.

Claims 1-17, 21-27 have been rejected.

Claims 18-20 are objected to.

Claims 1, 6-9, 11, 13, 16, 18-20, 21 and 25 have been amended, as set forth herein.

New Claim 28 has been added.

I. ALLOWABILITY OF CLAIMS 18-20 AND NEW CLAIM 28

Applicant thanks the Examiner for the indication that Claims 18-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has added new independent Claim 28 that recites “at least one of” the elements recited in Claims 18, 19 and 20. As such, Applicant respectfully submits that new Claim 28 is allowable.

II. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 4-5, 9-12 and 21-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Iyer (US Patent No. 7,269,173).

Claims 13-17 and 25-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Funabiki (US Patent Application Publication No. 2005/0020265).

The rejections are respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

With respect to the rejection of Claims 1, 4-5, 9-12 and 21-24, and as best understood, the Office Action argues that Iyer's mobile proxy device 16 performs *self-selecting of a home agent* by "assigning a home agent (22a, 22b, 22c) to the mobile device. Once a home agent has been assigned, the mobile IP proxy device 16 creates a new registration request and forwards it to the selected home agent for the mobile device 20b." Iyer, Col. 2, lines 26-33. Applicant submits that Iyer does not disclose, teach or suggest self-selecting a home agent, as described and used in the Applicant's specification. Iyer's mobile proxy device 16 selects as the home agent for the device, one of the home agents 22 – and does not self-select. Therefore, Applicant respectfully submits that Iyer fails to teach each and every element of independent Claims 1 and 21.

However, to further prosecution, independent Claim 1 has been amended solely to clarify and more distinctly point out Applicant's claimed invention. Claim 1 has been amended to recite: executing a self-selection method on an apparatus self-selecting a home agent in response to receiving the registration information, the self-selection method enabling the apparatus to select itself as a home agent. It does not appear from the cited passages of Iyer that Iyer's mobile proxy device 16 executes a self-selection method enabling the mobile proxy device 16 to select itself as the home agent. Independent Claim 21 already recites "self-selecting the apparatus as a home agent." The cited portions of Iyer fails to disclose this element/feature.

Therefore, independent Claims 1 and 21 (and dependent Claims 4-5, 9-12 and 22-24) are not anticipated by Iyer. Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1, 4-5, 9-12 and 21-24.<sup>1</sup>

With respect to the rejection of Claims 13-17 and 25-27, the Office Action asserts that (1) paragraph 0023 discloses: identifying the registration information as a retransmission of a registration request (independent Claims 16 and 25), and (2) paragraphs 0023 and 0029 disclose:

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<sup>1</sup> Independent Claim 21 has also been amended to remove the "means" language and recite structure for performing the recited function.

generating a value in response to identifying the registration information as a retransmission of a registration request (independent Claims 13, 16 and 25). Applicant respectfully disagrees.

Funibiki's paragraphs 0023 and 0029 describe that a portion of the home agent is capable of answering a "registration refusal" and selects another home agent having a predetermined condition. Funibiki, paragraphs 0023, 0029. The Office Action provides no further analysis as to what a "registration refusal" is, or where it comes from. It appears that the "registration refusal" is internally generated by the home agent – in response to the home agent determining the home agent is deficient in unoccupied resources to handle the registration request from a mobile node, and sent to the home agent information storing section within the home agent. Funibiki, paragraphs 0022, 0023, 0029. There is no disclosure or description regarding the "registration refusal" generated by the home agent as identifying the "registration information as a retransmission of a registration request" – as recited in independent Claims 16 and 25. Applicant's claims recite "identifying **the** registration information [that was received at the home agent] as a retransmission of a registration request." Therefore, Funibiki fails to identically disclose or describe this feature/element of Applicant's independent Claims 16 and 25 (and their dependent Claims).

The Office Action appears to further assert that Funibiki's paragraphs 0023 and 0029 disclose "generating a value that falls within a range of numbers in response to receiving the registration information" (independent Claim 13). However, this particular recited element/feature is not identified in the Office Action rejection. Office Action, page 3. Clearly paragraph 0023 does not disclose generating a value that falls within a range of numbers. Funabiki, paragraph 0023. Paragraph 0029, on the other hand, "selects a home agent having as a control range the sub-network from the home agent information storing section to thereby answer home agent information of the selected home agent." Funibiki, paragraph 0029. Applicant respectfully submits that this passage does not identically or specifically disclose Applicant's "generating a value that falls within a range of numbers." Therefore, Funibiki fails to anticipate this feature/element of Applicant's independent Claim 13 (and its dependent Claims).

Therefore, independent Claims 13, 16 and 25 (and dependent Claims 14-15, 17 and 26-27) are not anticipated by Funibiki. Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 13-17 and 25-16.<sup>2</sup>

III. REJECTION UNDER 35 U.S.C. § 103

Claims 2-3 and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Iyer (US Patent No. 7,269,173) in view of well-known subject matter. The rejection is respectfully traversed.

For the same or similar reasons set forth above with respect to the rejection of independent Claim 1, Iyer fails to disclose one or more elements. No other reference is cited as disclosing such feature/elements. Therefore, Iyer fails to disclose, teach or suggest all the elements of dependent Claims 2-3 and 6-8.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(s) rejection of Claims 2-3 and 6-8.

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

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<sup>2</sup> Independent Claim 25 has also been amended to remove the “means” language and recite structure for performing the recited function.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

MUCK CARTER, LLP

Date: \_\_\_\_\_

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